



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

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OFFICE OF  
REGIONAL COUNSEL

October 23, 2013

Krista K. McIntyre  
Stoel Rives LLP  
101 S. Capitol Boulevard, Suite 1900  
Boise, ID 83702-7705

Re: Clearwater Paper Corporation; Scope of Information Request

Dear Krista:

I am writing in response to your letter of October 15, 2013, in which you requested that EPA narrow the scope of EPA's information request to Clearwater Paper Corporation (Clearwater) dated July 19, 2013 (Information Request). Your letter requested that EPA narrow the Information Request to exclude the sampling of Total Reduced Sulfur (TRS) emissions required by paragraph 2 of the Information Request.

TRS is a "designated pollutant" under Section 111 of the Clean Air Act (CAA). Without deciding whether Clearwater's M&D Digesters are currently subject to NSPS 40 CFR Part 60, Subpart BB, EPA notes that it has promulgated emission guidelines for TRS emissions from existing digesters at Kraft pulp mills. Kraft Pulp Mills; Final Guideline Document Availability, 44 Fed. Reg. 29828 (May 22, 1979).

EPA's authority to require the submission of information and the sampling of emissions under Section 114 of the CAA is broad. It extends not only to information for the purpose of determining whether any person is in violation of CAA requirements, but also for the purpose of developing or assisting in the development of plans and standards under Section 111 of the CAA or carrying out any provision of the CAA (with certain limited exceptions not relevant here). EPA therefore denies your request to narrow the scope of the Information Request to exclude TRS sampling.

We are continuing to review the source test plan Clearwater submitted to EPA on October 17, 2013 and will provide you our response as soon we complete our review.

Please give me a call at (206) 553-1497 if you have any questions.

Sincerely,



Julie A. Vergeront  
Assistant Regional Counsel

Cc: Lisa Carlson, IDEQ  
Elizabeth Loeb, DOJ  
Roylene Cunningham, EPA